

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**NICOLE HINSON, Individually and as
Next Friend of C.H., a Minor; Texas resi-
dents,**

Plaintiffs

v.

**DOREL JUVENILE GROUP, INC., a
Massachusetts corporation**

Defendant.

§
§
§
§
§
§
§
§
§
§
§
§

Cause No. 2:15-cv-713-JRG-RSP

Jury Demand

PLAINTIFF’S AGREED MOTION TO APPOINT GUARDIAN AD LITEM

Plaintiff, Nicole Hinson, Individually and as Next Friend of C.H., a minor child, files this Agreed Motion to Appoint Guardian *Ad Litem*. The parties propose Mr. Alan Wharton, *Esq.* be appointed Guardian *Ad Litem*. Mr. Wharton is an attorney with Dobbs & Tittle, P.C. in Tyler, Texas, and has practiced personal injury trial law for both plaintiffs and defendants for nearly twenty years. Mr. Wharton has previously been appointed by this Court to serve as Guardian *Ad Litem* for C.H. in prior legal matters, that arose from the same underlying motor vehicle accident as this case. In *Hinson et. al v. Walmart Stores, Inc.*, 2:14-CV-294, a settlement was approved by the Honorable Magistrate Judge Roy Payne following a hearing at which Mr. Wharton fully participated. Through his prior involvement, Mr. Wharton has become familiar with the underlying facts, the Hinson family, and C.H.’s medical condition. The Hinson family has met with Mr. Wharton on numerous occasions and developed a level of comfort with Mr. Wharton. Because of his experience in these prior matters, his familiarity with the Plaintiffs and the subject incident, and his knowledge of C.H.’s injuries and related medical care, the parties agree Mr. Wharton would be well-suited to serve as Guardian *Ad Litem* in this matter.

Moreover, in this case Plaintiffs intend to invest all the settlement proceeds in either a structured annuity or the C.H. Special Needs Trust which has already been created. Plaintiff requests the Court appoint Mr. Alan Wharton as Guardian *Ad Litem* in this matter.

Respectfully submitted,

/s/Jeffrey T. Embry
Jeffrey T. Embry
State Bar No. 24002052
Attorney-in-Charge
George Cowden IV
State Bar No. 24071492
Kyna J. Adams
State Bar No. 24041792
Hossley & Embry, LLP
320 South Broadway Avenue, Suite 100
Tyler, Texas 75702
Ph. (903) 526-1772
Fax (903) 526-1773
jeff@hossleyembry.com
george@hossleyembry.com
kyna@hossleyembry.com

CERTIFICATE OF CONFERENCE

Defendant is agreed to the relief sought by this Motion.

/s/Jeffrey T. Embry
Jeffrey T. Embry

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this pleading was served on all counsel of record via the Court's electronic filing system this 29th day of July, 2016.

/s/Jeffrey T. Embry
Jeffrey T. Embry